

**The City of Phenix City  
Performance Appraisal  
(Confidential)**

Name	<u>David Davis</u>	Department	<u>Fire</u>
Social Security #	<u>256-19-1294</u>	Division	
Job Title	<u>Driver/Engineer</u>	Hire Date	<u>4/27/98</u>
Evaluator	<u>M. Hutchinson</u>	Evaluation Year	<u>2003/2004</u>

Rate each factor based on performance actually demonstrated throughout the evaluation year.  
Include supporting comments to explain ratings.

**Job Knowledge:** Technical knowledge required to perform the job; skill in using established techniques, procedures, materials and equipment; ability to perform assigned tasks.

Unsatisfactory	<u>Marginal</u>	<u>Competent</u>	<u>Commendable</u>	<u>Exceptional</u>
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Supporting comments:

Sgt. Davis is very knowledgeable about his job on a day-to-day basis. He can become familiar with the situation in a very limited time frame, he is always seeking ways to further his job knowledge.

**Quality of Work:** "How good" is the work produced? Consider quality, accuracy, neatness, thoroughness and adherence to standards. Also consider departmental and/or organizational standards of performance for professional and supervisory personnel.

Unsatisfactory	<u>Marginal</u>	<u>Competent</u>	<u>Commendable</u>	<u>Exceptional</u>
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Supporting comments:

Sgt. Davis is very thorough on every assignment that is given to him. He takes pride in how well he does his job.

**Quantity of Work:** To what degree does the employee produce the volume of work or results which can be reasonably expected?

Unsatisfactory	<u>Marginal</u>	<u>Competent</u>	<u>Commendable</u>	<u>Exceptional</u>
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EXHIBIT

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Supporting comments: Sgt. DAVIS WORK PRODUCTION IS GOOD AND CONSISTENT. He does not need to be told when the job needs to get done. He strives to make the job easier and simpler.

Independence: Follow through on assignments; promptness in completing tasks. Consider amount of supervision required; decisiveness, follow through, stability.

Unsatisfactory	Marginal	Competent	Commendable	Exceptional
			✓	

Supporting comments: Sgt. DAVIS COMPLETES ALL ASSIGNMENT IN A TIMELY MANNER WITH VERY LITTLE SUPERVISION.

Conduct: Compliance with established work rules and organizational policies and procedures as stated in Merit System:

Unsatisfactory	Marginal	Competent	Commendable	Exceptional
		✓		

Supporting comments: Sgt. Davis could fall between the Marginal & Competent range. There are times that Davis can be very negative toward the department and its policies. As a leader of the engine company, Acting Co he will be looked at to make decisions and support the administration decisions/policies.

Unsatisfactory	Marginal	Competent	Commendable	Exceptional
				✓

Supporting comments: Sgt. DAVIS REPORTS TO WORK 30 TO 45 MINUTES EARLY AND HAS NOT USED ANY SICK LEAVE. He is usually placed in the position at the end of the fiscal year that has extra vacation time to be taken.

Interpersonal Relations: Ability to work well with others; helpfulness to public and coworkers; relates well to superiors. Consider confrontations; effectiveness in interacting with others in an appropriate manner and human relations factors in actions.

Unsatisfactory	Marginal	Competent	Commendable	Exceptional
	✓			

Supporting comments: NEEDS TO WORK MORE ON HIS INTERACTION WITH CO-WORKERS IN AN APPROPRIATE MANNER. He has the ability to help others with the knowledge and experience.

### Overall Evaluation of Performance

Unsatisfactory	Marginal	Competent	Commendable	Exceptional
			✓	

Make additional comments to explain the employee's overall merit evaluation. Any unusual circumstances which may have affected the employee's performance should be noted here (evaluating department head/supervisor may use this space to make additional comments.)

I have seen some great improvements with Sgt. Davis since he was a probationary firefighter. He is more receptive of constructive criticism and ways to improve himself. He is very passionate about the fire service and has a great amount knowledge and drive to be the best in his profession. Employee Weak Points: VERBAL EXPRESSION AND LANGUAGE. Sgt. T. Davis has a tendency to overstep his job duties/responsibilities as a Driver Engineer.

Recommendations for Improvement: USE THE SAME COMMUNICATION SKILLS THAT HE USES WHEN IN CONTACT WITH THE PUBLIC AROUND HIS CO-WORKERS.

Employee Strengths: VERY KNOWLEDGEABLE, DEPENDABLE, PHYSICALLY FIT. SGT. DAVIS SPENDS A LOT OF TIME STUDYING.

Acquired skills not being utilized in present position: PARAMEDIC SKILLS, Haz Mat Tech skills

Training/certifications completed during review period: NO SPECIALIZED TRAINING OR CERTIFICATIONS. SGT. DAVIS HAS BEEN WORKING ON HIS B.S. IN FIRE SCIENCE FOR THE LAST YEAR.

Recommendations for further training and development: OFFICER DEVELOPMENT CLASSES SGT. DAVIS HAS A LOT OF LEADERSHIP ABILITY.

Comments of individual rated:

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*Tom P. Platner*  
Department Head Date  
*Bethany Hodson* 4-2-04  
Personnel Director Date  
*Mark Wilder* 6-3-04  
City Manager Date

I have discussed this evaluation with employee:  
*M. J. Smith* 3/6/04  
Evaluator Date  
*A. J. J.* 03/05/2004  
Employee Date

## PART I

### CHARTER AND RELATED LAWS

#### SUBPART A

##### CHARTER\*

###### Article I. Adoption of Council-Manager Form of Government—Election and Term of Council

- 1.01. Cities to which act applies.
- 1.02. Petition for election.
- 1.03. Call of election by mayor.
- 1.04. Second election not called within four years.
- 1.05. Question submitted: form of ballot.
- 1.06. Conduct, canvassing and declaration of result of election.
- 1.07. Election of first council: term of office.
- 1.08. The council.

###### Article II. Legal Status: Form of Government: Powers

- 2.01. Legal status.
- 2.02. Form of government.
- 2.03. Powers of city.

###### Article III. The Council

- 3.01. Number, election, term.
- 3.02. Statement of candidacy.
- 3.02(a). Campaign expenses.
- 3.03. Ballot.
- 3.04. Eligibility.
- 3.05. Compensation.
- 3.06. Presiding officer; mayor.
- 3.07. Powers.
- 3.08. Appointment of city manager.
- 3.09. Removal of city manager.
- 3.10. Council not to interfere in appointments or removals.
- 3.11. [Filling vacancy on council.]
- 3.12. Creation of new departments or offices: change of duties.

\*Editor's note—Printed in this subpart is Act No. 71 of 1977 (p. 100), being the city charter. Amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of citations to state statutes as appears in the Code of Ordinances has been used. Additions for clarity are indicated by brackets.

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- 3.13. City clerk.
- 3.14. Induction of council into office; meetings of council.
- 3.15. Council to be judge of qualifications of its members.
- 3.16. Rules of procedure.
- 3.17. Meetings, passage of ordinances, etc.
- 3.18. Granting of franchises.
- 3.19. Codification authorized.
- 3.20. Examination of books and publication of accounts.

Article IV. The City Manager

- 4.01. The city manager: qualifications.
- 4.02. The city manager: powers and duties.
- 4.03. Absence of city manager.
- 4.04. Administrative department.
- 4.05. Directors of departments.
- 4.06. Departmental divisions.

Article V. Budget

- 5.01. Fiscal year.
- 5.02. Preparation and submission of budget proposal.
- 5.03. Budget proposal a public record.
- 5.04. Publication of notice of public hearing.
- 5.05. Public hearing on budget proposal.
- 5.06. Further consideration of budget proposal.
- 5.07. Adoption of budget.
- 5.08. Vote required for adoption.
- 5.09. Date of final adoption; failure to adopt.
- 5.10. Effective date of budget; certification; copies made available.
- 5.11. Budget establishes appropriations.
- 5.12. Budget message; current operations.
- 5.13. Budget message; capital improvements.
- 5.14. Budget message; capital program.
- 5.15. Budget message; supporting schedules.
- 5.16. Budget.
- 5.17. Anticipated revenues.
- 5.18. Anticipated revenues compared with other years.
- 5.19. [Repealed].
- 5.20. Miscellaneous revenues.
- 5.21. Miscellaneous revenues; anticipated surplus from municipal utility or other public service enterprise.
- 5.22. Miscellaneous revenues; measure of estimates.
- 5.23. Miscellaneous revenues; receipts from special assessments.
- 5.24. Miscellaneous revenues; from new sources.
- 5.25. Proposed expenditures.
- 5.26. Proposed expenditures; comparison with other years.
- 5.27. Down payments on capital projects.
- 5.28. Budget summary.

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### Article VI. Department of Finance

- 6.01. Director of finance; appointment.
- 6.02. Director of finance: qualifications.
- 6.03. Director of finance; surety bond.
- 6.04. Director of finance: powers and duties.
- 6.05. Work programs: allotments.
- 6.06. Allotments constitute basis of expenditures and are subject to revision.
- 6.07. Transfers of appropriations.
- 6.08. Accounting supervision and control.
- 6.09. When contracts and expenditures prohibited.
- 6.10. Appropriations lapse at end of year.
- 6.11. Fees shall be paid to city government.
- 6.12. Purchases.
- 6.13. Competitive bidding.
- 6.14. Contracts for city improvements.
- 6.15. Accounting control of purchases.
- 6.16. No contract executed until bond ordinance effective.
- 6.17. Emergency appropriations.
- 6.18. Borrowing to meet emergency appropriations.
- 6.19. Borrowing in anticipation of property taxes.
- 6.20. Borrowing in anticipation of other revenues.
- 6.21. Notes redeemable prior to maturity.
- 6.22. Sale of notes: report of sale.

### Article VII. Council Districts

- 7.01. Number established.
- 7.02. Establishment of the original districts.
- 7.03. Reapportionment.

### Article VIII. Succession in Government

- 8.01. Rights of officers and employees preserved.
- 8.02. Continuance of present officers.
- 8.03. Status of officers and employees holding positions when the council-manager form of government is adopted.
- 8.04. Transfer of records and property.
- 8.05. Continuity of offices, departments, boards or agencies.
- 8.06. Continuance of contracts and public improvements.
- 8.07. Pending actions and proceedings.
- 8.08. Pension and relief funds.
- 8.09. Independent authorities, boards, agencies, etc.
- 8.10. When provisions take effect.
- 8.11. Continuance of ordinances and resolutions.

### Article IX. General Provisions

- 9.01. Prohibition on appointment or removal of officers and employees.
- 9.01(a). Removal of officers or employees.
- 9.02. Right of city manager and other officers in council.

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- 9.03. Investigations by council or city manager.
- 9.04. Contracts extending beyond one year.
- 9.05. Publicity of records.
- 9.06. Officers and employees not to be privately interested in city's contracts.
- 9.07. Official bonds.
- 9.08. Oath of office.

**Article X. Abandonment of Council-Manager Form of Government**

- 10.01. Generally.
- 10.02. Petition for change of form of government.
- 10.03. No election on change more often than two years.

**Article XI. General Statutory Provisions**

- 11.01. Effect of this act on existing law.
- 11.02. Separability clause.
- 11.03. Short title.
- 11.04. Effective date.

## CHARTER

1.02

Act No. 71 H. 114—Baker, Whatley

## AN ACT

To permit any city in the State of Alabama having a population of not less than 23,000 nor more than 27,000 inhabitants according to the 1970 or any subsequent federal decennial census to adopt the council-manager form of municipal government, to provide for the calling and holding of elections to vote thereon, to provide for the election and term of the first council, to define the legal status, form of government and powers of the city, to provide for subsequent elections of members of the council, their number and their terms of office, to provide for the qualification, powers and authority of the council, the mayor and the city clerk, and for the election of the mayor and city clerk, to provide for the appointment and removal and to define the powers of the city manager, to provide for an annual budget, its preparation, submission, adoption and effect, to create and define the powers and duties of a department of finance and of the director thereof, to regulate purchases and contracts of the city, and to define their powers and authority, to set up the terms and effects of succession in government of any city adopting the council-manager form of government, to provide for the establishment and re-establishment of districts, to make various other provisions for such form of government of any such city, and to provide for the means of abandoning the council-manager form of government.

Be It Enacted by the Legislature of Alabama:

**Article I. Adoption of Council-Manager Form of Government—Election and Term of Council**

**1.01. Cities to which act applies.**

Any city in the State of Alabama, which has a population of not less than 23,000 nor more than 27,000 inhabitants according to the 1970 or any subsequent federal decennial census, may adopt the council-manager form of government by proceeding in the manner hereafter in this act provided.

**1.02. Petition for election.**

The filing of a petition signed by ten percent or more of the number of qualified voters who voted in the last city general election held in such city, asking that the question of the adoption of the council-manager form of government for such city be submitted to the qualified voters thereof, with the judge of probate of the county in which such city is located, shall mandatorily require an election to be held as herein provided. Whenever such a petition purporting to be signed by at least ten percent of the number of qualified voters who voted in the last city general election held in such city shall be presented to such judge of probate, he shall examine such petition and determine whether or not the same is signed by at least ten percent of the number of qualified voters who voted in the last city general election held in such city, and if such petition is signed by the requisite number of voters to require such an election, he shall

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within 15 days from the receipt of such petition certify such fact to the mayor or other chief executive officer of the city for which such election is so petitioned, and the certificate of the judge of probate as to the sufficiency of said petition shall be final.

**1.03. Call of election by mayor.**

The mayor or other chief executive officer of such city shall immediately upon receipt of such certificate from the probate judge, by proclamation, submit the question of the adoption of the council-manager form of government for such city, under this act, at a special election to be held at a time specified in such proclamation, not less than 40 days and not more than 60 days after the receipt of said certificate from said probate judge, unless a general or regular election is to be held within 90 days after receipt of such certificate, in which event the special election herein provided for shall be held at the same time as such general or regular election. Should the election not be called by proclamation within ten days after receipt of his certificate, the judge of probate shall call such election by order at a time specified therein but not less than 40 days and not more than 60 days after the receipt by said mayor or other chief executive officer of the said certificate of the probate judge, unless a general or regular election is to be held within 90 days after receipt of such certificate, in which event the special election herein provided for shall be held at the same time as such general or regular election.

**1.04. Second election not called within four years.**

If the council-manager form of government is not adopted at the special election so called, the question of adopting such form of government shall not be resubmitted to the voters of such city for adoption within four years thereafter, and then the question of adopting said form of government may be resubmitted in the manner above provided.

**1.05. Question submitted: form of ballot.**

At such election the question to be submitted shall be printed in plain prominent type on separate ballots and shall read as follows: "Shall the council-manager form of government, as provided by the city manager Act of 1977 be adopted for the City of \_\_\_\_\_.

"Yes \_\_\_\_\_"

"No \_\_\_\_\_"

The voter shall mark his ballot with a cross mark before or after the word which expresses his choice. No other question shall be submitted to the voters of such city upon this ballot. If voting machines are used at any voting place in such election, the above question may at the discretion of the election commission of the city or other body having charge of the conduct of municipal elections in such city, be submitted as a separate question on voting machines so used.

**1.06. Conduct, canvassing and declaration of result of election.**

The election thereupon shall be conducted, the vote canvassed and the result declared in the same manner as provided by law in respect to other city elections. If the majority of the votes

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shall be "yes" or in favor of such question, the provisions of this article shall thereby be adopted for such city, and the mayor shall within five days of the election transmit to the governor, to the secretary of state, and to the judge of probate of the county in which the city is located, each, a certificate of adoption stating that such question was adopted by such city.

**1.07. Election of first council: term of office.**

Within five days of the date of his receipt of the certificate of adoption the probate judge with whom the certificate was filed shall call an election to be held on the first Tuesday in September after the first full month of July following the adoption of this act. The expenses of this election shall be paid by the city. Before calling such election the probate judge shall cause the city to be divided into three districts containing as nearly equal number of people as possible. Candidates shall qualify in the manner prescribed in Section 3.02 hereof and shall have the qualifications and eligibility set forth in Sections 3.03 and 3.04 hereof. Each candidate shall announce if he is to become a candidate for mayor, or councilman-at-large, or if he desires to become a candidate for one of three district posts, either District Post 1, District Post 2 or District Post 3. A candidate for a district post shall reside in his district. Each voter in the election may cast one vote for a candidate for mayor and one vote for councilman-at-large and one vote for a candidate from the district in which he resides. Any candidate receiving a majority of the total votes cast for candidates for mayor, councilman-at-large, District Post 1, District Post 2 and District Post 3 shall be elected as the councilman from his post. In the event no candidate received such a majority in the said election, there shall be a run-off election to be held two weeks after the first election. In the run-off election only those two candidates from each post who received the largest vote in the first election shall be eligible in the run-off election, and only these two shall have their names placed on the ballot for the run-off election. Any candidate receiving a majority of the total votes cast in the run-off election shall be elected councilman from his post. The councilmen so elected shall take office on the first Monday in October following the election. Each councilman shall hold office for three years, but shall serve until his successor shall have qualified. A councilman may succeed himself in office.

**1.08. The council.**

The councilman provided for in this article shall be known collectively as the council of the city of \_\_\_\_\_ (Name of said city to be inserted) and shall have the powers and duties hereinafter provided. The council first elected shall qualify and take office in the manner hereinafter prescribed on the first Monday in October following the date when the election of all councilmen is completed, and thereupon such city shall be and become organized under the council-manager form of government provided under this act, and shall thereafter be governed by the provisions of this act.

**Article II. Legal Status: Form of Government: Powers****2.01. Legal status.**

Any municipal corporation which adopts the council-manager form of government shall continue its existence as a body corporate without change in the name of the municipal

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corporation. The word "city" as hereinafter used shall mean and refer to any municipal corporation which has adopted the council-manager form of government. The city shall continue as a municipal corporation, within the corporate limits as then established, and as thereafter fixed in the manner prescribed by law, subject to all the duties and obligations then pertaining to or incumbent upon it as a municipal corporation and shall continue to enjoy all the rights, immunities, powers and franchises then enjoyed by it, as well as those that may thereafter be granted to it.

#### **2.02. Form of government.**

The municipal government of any such city proceeding under this act shall be known as the "council-manager form of government." Pursuant to the provisions and limitations of this act and subject to the limitations imposed by the Constitution of Alabama and its laws, all powers of the city shall be vested in the council elected as herein provided and hereinafter referred to as "the council." All powers of the city shall be exercised in the manner prescribed by this act, or if the manner be not prescribed, then in such manner as may be prescribed by law or by ordinance.

#### **2.03. Powers of city.**

The city shall have all the powers granted to municipal corporations and to cities by the constitution and laws of this state together with all the implied powers necessary to carry into execution all the powers granted. The city may acquire property within or without its corporate limits for any city purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease or condemnation, and may sell, lease, mortgage, hold, manage and control such property as its interest may require; and, except as prohibited by the constitution and laws of this state or restricted by this act, the city shall and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. The enumeration of particular powers by this act shall not be deemed to be exclusive, and in addition to the powers enumerated herein or implied thereby, or appropriate to the exercise of such powers, it is intended that the city shall have and may exercise all powers which, under the constitution of this state, it would be competent for this act specifically to enumerate.

### **Article III. The Council**

#### **3.01. Number, election, term.**

The council in the municipality shall have five members with two elected at-large by all of the voters of the municipality and three elected from districts by voters within each district, the council elected in the manner prescribed in Section 1.07 of Act 71. The regular municipal elections in the municipality shall be held on the first Tuesday in September, 2001, and each three years thereafter; and when necessary, a second or runoff election shall be held on the third Tuesday next thereafter following the regular election. Each council member shall hold office for three years, but shall serve until his or her successor shall have qualified. Beginning in 2004, the regular municipal elections in the municipality shall be held on the first Tuesday

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in September, 2004, and each four years thereafter, and when necessary, a second or runoff election shall be held on the third Tuesday next thereafter following said regular election. Each council member shall hold office for four years beginning with the election of 2004, but shall serve until his or her successor shall have qualified. A council member may succeed himself or herself in office. Each of the three district council members shall reside within the limits of his or her district during the term of his or her office and if any district council member shall remove from within the limits of his or her district for 60 consecutive days his or her office shall become vacant.

(Act No.1989-832, § 1; Act No. 2000-641, § 2)

### **3.02. Statement of candidacy.**

Any person desiring to become a candidate at any election for the office of councilman may become such candidate by filing in the office of the judge of probate of the county in which such city is situated, a statement in writing of such candidacy, accompanied by an affidavit taken and certified by such judge of probate or by a notary public that such person is duly qualified to hold the office for which he desires to be a candidate. Such statement shall be filed at least 30 days before the day set for such election and shall be in substantially the following form:

State of Alabama

County of \_\_\_\_\_

I, the undersigned, being first duly sworn, depose and say that I am a citizen of the City of \_\_\_\_\_, that I desire to become a candidate for the office of councilman, Post \_\_\_\_\_, in said City at the election for said office to be held on the \_\_\_\_\_ day of September next and I am duly qualified to hold said office if elected thereto and I hereby request that my name be printed upon the official ballot at said election.

Signature of candidate

\_\_\_\_\_  
Typed name of candidate

Subscribed and sworn to before me by said \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

Filed in my office on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

\_\_\_\_\_  
Judge of Probate

Said statement shall be accompanied by a petition signed by not less than, nor more than ten electors, who shall be designated as said candidate's sponsors. In the case of a candidate for a district post, sponsors may but need not reside within the district in which the candidate